

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
May 17, 2004

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, **May 17, 2004**, at 7:00 p.m., in the Assembly Room of the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor, Chairman; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mrs. Nicole Ewing, Deputy County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Milton Farley, Council Member District No. 1, was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

Chairman Rozier called the meeting to order and asked for approval of minutes from Public Hearings CDBG and Bills Numbered 04-06, 04-07, 04-08, 04-09, 04-10 and 04-11, and minutes from the Regular Council Meeting held April 19, 2004.

APPROVAL OF MINUTES

It was moved by Council Member Fish and seconded by Council Member Spooner to approve the minutes as presented. The motion was passed by unanimous voice vote of Council.

With no objection from Council, Chairman Rozier addressed an item not listed on the agenda. He called Ms. Yvonne Bradley to the podium.

Ms. Bradley stated that for the past two years, Council Member Pinckney had successfully brought the Cross community together by meeting with community members every third Tuesday. During these meetings, individuals were able to discuss issues, and the community had seen the results of his labor and the labors of those sitting with him.

Ms. Bradley concluded by presenting Council Member Pinckney a plaque inscribed with, "Cross Branch of the NAACP salutes Councilman Caldwell Pinckney, Jr., as Councilman of the year from the Cross Community for his dedication and service with the Cross Community, his efforts to increase community awareness, and create a sense of

unity. Presented this day, May 1, 2004, Yvonne Bradley, President, and Nathaniel Footman, Treasurer.”

Council Member Pinckney stated it was a privilege to serve the very fine people of Berkeley County and that together people could do great things. When looking at the word “community”, the last five letters spell “unity”. It was a yeoman’s task, but one he would continue to strive for.

PUBLIC DISCUSSION – None

EXECUTIVE SESSION

Chairman Rozier stated an Executive Session was necessary to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Council Member Spooner and seconded by Council Member Mims to enter into Executive Session for the reasons stated. The motion was passed by unanimous voice vote of Council.

Council entered into Executive Session at 7:04 p.m., and returned to Regular Session at 7:26 p.m.

Mrs. Nicole Ewing, Deputy County Attorney, reported that Council entered into Executive Session for the reasons stated in the motion. No formal action was taken.

THIRD READING

“BILL NO. 04-12, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #268-00-00-107.”
(Michael Alston)

It was moved by Council Member Crosby and seconded by Council Member Fish to approve **Bill No. 04-12** for Third and Final Reading. The motion was passed by unanimous voice vote of Council. *(A copy of Ordinance No. 04-05-16 is attached to these minutes.)*

“BILL NO. 04-13, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH

CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #271-00-02-029.”
(Linda A. Gibson, et al)

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve **Bill No. 04-13** for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-17 is attached to these minutes.)

“**BILL NO. 04-14**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #221-00-00-092.”
(Patrick D’Angelo)

It was moved by Council Member Charles Davis and seconded by Council Member Crosby to approve **Bill No. 04-14** for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-18 is attached to these minutes.)

“**BILL NO. 04-15**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #221-00-00-093.”
(Tommy Travis Grooms for Patricia Grooms)

It was moved by Council Member Charles Davis and seconded by Council Member Crosby to approve **Bill No. 04-15** for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-19 is attached to these minutes.)

“**BILL NO. 04-16**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #221-00-00-087.”
(Elizabeth Brown)

It was moved by Council Member Charles Davis and seconded by Council Member Crosby to approve **Bill No. 04-16** for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-20 is attached to these minutes.)

“**BILL NO. 04-17**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #121-00-00-015.”
(John Wilson)

It was moved by Council Member Mims and seconded by Council Member Spooner to approve **Bill No. 04-17** for Third and Final Reading. The motion was passed

by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-21 is attached to these minutes.)

“BILL NO. 04-18, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #269-00-00-009.”
(Thomas & Hutton Engineering)

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve Bill No. 04-18 for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-22 is attached to these minutes.)

“BILL NO. 04-19, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #049-00-02-018.”
(Roger Greene)

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve Bill No. 04-19 for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-23 is attached to these minutes.)

“BILL NO. 04-20, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #233-08-03-028.”
(Thomas Walker)

It was moved by Council Member Charles Davis and seconded by Council Member Fish to approve Bill No. 04-20 for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-24 is attached to these minutes.)

“BILL NO. 04-21, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #233-08-03-029.”
(Amy Savage)

It was moved by Council Member Charles Davis and seconded by Council Member Steve Davis to approve Bill No. 04-21 for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-25 is attached to these minutes.)

“BILL NO. 04-22, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH

CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #263-00-01-056.”
(Gray McSweeney)

It was moved by Council Member Steve Davis and seconded by Council Member Spooner to approve **Bill No. 04-22** for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-26 is attached to these minutes.)

“**BILL NO. 04-23**, AN ORDINANCE TO AMEND ORDINANCE NO. 03-06-38, ADOPTED JUNE 16, 2003, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2003-2004 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS RELATING THERETO.”

It was moved by Council Member Fish and seconded by Council Member Spooner to approve **Bill No. 04-23** for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-27 is attached to these minutes.)

“**BILL NO. 04-24**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #233-00-00-034.”
(Jessco)

It was moved by Council Member Charles Davis and seconded by Council Member Fish to approve **Bill No. 04-24** for Third and Final Reading. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-05-28 is attached to these minutes.)

SECOND READING

Berkeley County Council Rules allow all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

“**BILL NO. 04-25**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #180-00-01-048.”
(Berkeley Properties, LLC)

“**BILL NO. 04-26**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #161-15-00-036.”
(John Jackson)

“BILL NO. 04-27, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #180-00-03-062.”
(David Driggers)

“BILL NO. 04-28, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #180-00-03-061.”
(Raymond Lodge)

“BILL NO. 04-29, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #087-00-04-023.”
(Greg Hood)

“BILL NO. 04-30, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #123-00-03-054.”
(David Rogers)

“BILL NO. 04-31, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #180-00-01-004.”
(Suzie Brill)

“BILL NO. 04-32, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #239-00-00-052.”
(Ligure Ellington, Jr.)

“BILL NO. 04-33, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #057-00-01-056.”
(Barbara Starks)

“BILL NO. 04-34, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #271-00-02-035.”
(Frank Kinlaw)

“BILL NO. 04-36, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO

PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY FOR THE FISCAL YEAR.”

“**BILL NO. 04-37**, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“**BILL NO. 04-38**, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“**BILL NO. 04-39**, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“**BILL NO. 04-40**, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004 AND ENDING JUNE 30, 2005, FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“**BILL NO. 04-41**, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”

“**BILL NO. 04-42**, AN ORDINANCE TO AMEND ORDINANCE NO. 99-4-18, ADOPTING A COMPREHENSIVE PLAN FOR THE COUNTY OF BERKELEY, PURSUANT TO SOUTH CAROLINA CODE OF LAWS SECTION 6-29-510, 1976, AS AMENDED.”

It was moved by Council Member Fish and seconded by Council Member Spooner to approve **Bill Nos. 04-25, 04-26, 04-27, 04-28, 04-29, 04-30, 04-31, 04-32, 04-33, 04-34, 04-36, 04-37, 04-38, 04-39, 04-40, 04-41 and 04-42** for Second Reading. The motion was passed by unanimous voice vote of Council.

“BILL NO. 04-35, AN ORDINANCE PROVIDING FOR THE ADOPTION OF FISCAL YEAR 2004-2005 (BEGINNING JULY 1, 2004 AND ENDING JUNE 30, 2005) BUDGETS FOR THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND; ESTABLISHING OPERATIONAL, DEBT SERVICE, AND CAPITAL IMPROVEMENT BUDGETS FOR WATER AND SEWER; AND TO PROVIDE FOR THE EXPENDITURES OF REVENUES COMING INTO THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND DURING THE FISCAL YEAR, AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY.”

It was moved by Council Member Charles Davis and seconded by Council Member Mims to approve **Bill No. 04-35** for Second Reading. The motion passed by majority voice vote of Council. Council Member Crosby and Council Member Steve Davis voted “nay”.

FIRST READING

Chairman Rozier read three bills for First Reading and stated that bills for First Reading are not discussed or voted upon. The bills are read into the record and sent to the proper committee.

“BILL NO. 04-43, AN ORDINANCE TO ESTABLISH THE RULES AND REGULATIONS FOR THE KEEPING OF PETS AND OTHER ANIMALS IN BERKELEY COUNTY, TO PROVIDE FOR THE TAKING UP AND IMPOUNDING OF PETS AND OTHER ANIMALS IN CERTAIN CASES; TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATIONS THEREOF; AND TO AMEND ORDINANCE NO. 93-11-26 AND ORDINANCE NO. 98-3-21.”

“BILL NO. 04-44, AN ORDINANCE AUTHORIZING THE SALE OF A PARTICULAR PIECE OF LAND OWNED BY BERKELEY COUNTY, MORE PARTICULARLY DESCRIBED AS **TMS #142-07-06-026, TO THE BERKELEY COUNTY RESCUE SQUAD AND AUTHORIZING THE BERKELEY COUNTY SUPERVISOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TRANSFER OF SAID LAND.”**

“BILL NO. 04-45, AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CODE OF BERKELEY COUNTY, SOUTH CAROLINA, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, PROVIDING A PENALTY FOR THE VIOLATION THEREOF;

PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE; AND OTHER MATTERS RELATED THERETO.”

RESOLUTIONS

“**RESOLUTION** PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2003-2004 BUDGET FOR BERKELEY COUNTY FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Fish and seconded by Council Member Pinckney to approve the Transfer Resolution. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-15 is attached to these minutes.)

“**RESOLUTION** PROCLAIMING MAY 2004, AS MENTAL HEALTH AWARENESS MONTH.”

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve the Mental Health Awareness Month Resolution. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-16 is attached to these minutes.)

“**RESOLUTION** AUTHORIZING ADOPTION OF THE SANGAREE SPECIAL TAX DISTRICT ADVISORY COMMISSION BY LAWS.”

It was moved by Council Member Fish and seconded by Council Member Charles Davis to approve the Sangaree Special Tax District Advisory Commission By Laws. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-17 is attached to these minutes.)

REPORTS FROM STANDING COMMITTEES

COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman

Chairman Fish reported the Committee on Finance met earlier tonight. All matters before the committee were taken care of on tonight’s agenda. (That concluded Chairman Fish’s report.)

COMMITTEE ON LAND USE, Mrs. Judith K. Spooner, Acting Chairman

Acting Chairman Spooner reported the Committee on Land Use met earlier tonight. All matters before the committee were taken care of on tonight’s agenda. (That concluded Acting Chairman Spooner’s report.)

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney reported the Committee on Public Works and Purchasing met on May 10th.

On recommendation of the Committee, Chairman Pinckney moved to approve the sole source purchase of a Cannon microfilmer/scanner from Palmetto Microfilming for the Records Retention Department. No additional funds would be required. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Pinckney moved to approve the sole source purchase of three roll-off Mack trucks for the Berkeley County Water and Sanitation Authority. Funds for the purchases have been requested in the 2004-2005 Authority's budget. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Pinckney moved to approve the Berkeley County Water and Sanitation Authority's bid process to secure a purchase order for the acquisition of the three roll-off trucks. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Pinckney moved to award the contract for the Sangaree Special Tax District commercial solid waste disposal to Fennel Container in the amount of \$3,707.50 per month. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Pinckney moved to award the construction and management services for Phase 2 of the Shulerville/Honey Hill water extension to ERC in the amount of \$35,625. (No Second Required)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Pinckney's report.)

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Mrs. Judy C. Mims, Chairman

Chairman Mims reported that the Committee on Justice and Public Safety met on May 10th and earlier tonight.

On recommendation of the Committee, Chairman Mims moved to approve a Methamphetamine Training and Education Grant for the Sheriff's Department. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee, Chairman Mims moved to approve an annual Emergency Management Grant for the Emergency Preparedness Department. (No Second Required)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Mims' report.)

COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis, Chairman

Chairman Steve Davis reported that the Committee on Water and Sanitation met on May 10th and earlier tonight. Several of the matters before the Committee were taken care of on tonight's agenda.

On recommendation of the Committee, Chairman Steve Davis moved to approve the appointment of Mark Schlievert to the Berkeley County Water and Sanitation Authority's Grievance Committee. (No Second Required)

The motion passed by majority voice vote of Council. Council Member Crosby, Council Member Mims and Council Member Steve Davis voted "nay". (That concluded Chairman Steve Davis' report.)

COMMITTEE ON PLANNING AND DEVELOPMENT, Mr. Charles E. Davis, Chairman

Chairman Charles Davis reported the Committee on Planning and Development met on May 10th. Several of the matters before the Committee were taken care of on tonight's agenda.

Chairman Charles Davis reported that Ms. Madelyn H. Robinson, Interim Zoning Administrator, provided the Committee with information in regard to proposed amendments to the Berkeley County Comprehensive Land Use Plan. No action was required. (That concluded Chairman Charles Davis' report.)

COMMITTEE ON COMMUNITY SERVICES, Mrs. Judith K. Spooner, Chairman

Chairman Spooner reported the Committee on Community Services met on May 10th.

On recommendation of the Committee, Chairman Spooner moved to approve the offer of a Federal Aviation Administration Grant, in the amount of \$674,500, for the Berkeley County Airport. The required matching funds have been requested in the 2004-2005 budget. (No Second Required)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Spooner's report.)

COMMITTEE ON HUMAN SERVICES, Mr. William E. Crosby, Chairman

Chairman Crosby reported the Committee on Human Services met on May 10th. Several of the matters before the Committee were taken care of on tonight's agenda.

Chairman Crosby reported that Ms. Debbie Calcote, Berkeley County Mental Health Director, presented the Committee with information in regard to Mental Health in Berkeley County, as well as national statistics. Ms. Calcote encouraged the Committee to fill all vacancies on the Mental Health Board. No action was taken. (That concluded Chairman Crosby's report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Chairman Rozier nominated Mr. Raymond Pinson to the Tax Assessment Review Board.

Chairman Rozier nominated Mike Holcombe to the Regional Development Alliance.

Chairman Rozier recommended the appointments of Council Member Steve Davis and Council Member Pinckney to the Council of Governments Board (COG).

Chairman Rozier made the following appointments to serve on an ad hoc committee to discuss revisions being made to the Berkeley County Comprehensive Land Use Plan and make a recommendation to Council:

- Council Member Judith K. Spooner (to serve as Chairman)
- Council Member Dennis L. Fish
- Council Member Caldwell Pinckney
- Council Member William E. Crosby
- Elijah McCants, Member – Planning Commission
- Lynn Hoover, Member – Planning Commission
- James H. Rozier, Supervisor
- Cleve Gillette, ex-officio (representing the Development Council and placed on this committee to provide information, as he sees necessary, from the Development Council)

- Any citizen may come to these meetings to provide information.

It was moved by Council Member Fish and seconded by Council Member Steve Davis to approve the nominations and appointments made by Chairman Rozier. The motion was passed by unanimous voice vote of Council.

CORRESPONDENCE – None

UNFINISHED BUSINESS – None

NEW BUSINESS

Chairman Rozier stated the County had been working some time on creating paddling trails for eco-tourism in Berkeley County. Soil Conservation applied for a grant for which matching funds, in the amount of \$8,000, were needed. This money would be transferred from recreation funds.

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve the transfer of \$8,000 from recreation funds to be applied as matching funds for a grant to create paddling trails in Berkeley County. The motion was passed by unanimous voice vote of Council.

ANNOUNCEMENTS

The June, 2004, Regular Meeting of Berkeley County Council will be held on Monday, June 21, 2004, immediately following Public Hearings and the meeting of the Committee on Finance at 6:00 p.m., in the Assembly Room, 223 North Live Oak Drive, Moncks Corner, SC.

ADJOURNMENT

It was moved by Council Member Spooner and seconded by Council Member Fish to adjourn the Regular Meeting of County Council. The motion was passed by unanimous voice vote of Council.

Meeting adjourned at 7:50 p.m.

PUBLIC DISCUSSION – None

S/Barbara B. Austin
Clerk of County Council

June 21, 2004
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday May 17, 2004**, is scheduled to begin immediately following Public Hearings, the meeting of the Committee on Finance and the Committee on Land Use at **6:00 P.M.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCK'S CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Public Hearing: CDBG	April 19, 2004
Public Hearings: Bills Numbered: 04-06, 04-07, 04-08, 04-09, 04-10, and 04-11	April 19, 2004
Regular Council Meeting	April 19, 2004

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. **Bill No. 04-12**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Michael Alston** for Geneva Dixon, Travis Lane, Cainhoy, TMS# 268-00-00-107, (1 acre), **from R-2, Manufactured Residential District, to GC, General Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

2. **Bill No. 04-13**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Linda A. Gibson**, et al, Highway 33, Cainhoy, TMS# 271-00-02-029, (4.3 acre portion of 58.10 acres total), **from F-1, Agricultural District, to GC, General Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

3. **Bill No. 04-14**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Patrick D'Angelo**, Rose Drive, Summerville, TMS# 221-00-00-092, (1 lot), **from R-1MM, Multi-Section Residential District, to GC, General Commercial District**. Council District No. 4.

[Recommended by Committee on Land Use]

4. **Bill No. 04-15**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tommy Travis Grooms** for Patricia Grooms, 117 Presley Lane, Summerville, TMS# 221-00-00-093, (1 lot), **from R-1MM, Multi-Section Residential District, to GC, General Commercial District**. Council District No. 4.

[Recommended by Committee on Land Use]

5. **Bill No. 04-16**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Elizabeth Brown**, 1535 Rose Drive, Summerville, TMS# 221-00-00-087, (3.06 acres), **from R-1MM, Multi Unit Manufactured Residential, to GC, General Commercial District**. Council District 4.

[Recommended by Committee on Land Use]

6. **Bill No. 04-17**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John Wilson**, Intersection of Hwy 6 & 16, Moncks Corner, TMS# 121-00-00-015, (1.34 acres), **from F-1, Agricultural District, to GC, General Commercial District**. Council District No. 6.

[Recommended by Committee on Land Use]

7. **Bill No. 04-18**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Thomas & Hutton Engineering** for D. R. Horton, Inc., Rivers Reach Road, Cainhoy, TMS# 269-00-00-009, (11.1 acre portion, 67.23 acres total), **from F-1, Agricultural District, to R-4, Multi Family District Small Scale**. Council District No. 8.

[Recommended by Committee on Land Use]

8. **Bill No. 04-19**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Roger Greene**, 2253 Santee River Road, St. Stephen, TMS# 049-00-02-018, (3 acres), **from F-1, Agricultural District, to GC, General Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

9. **Bill No. 04-20**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Thomas Walker**, 117 Berkeley Farms Road, Summerville, TMS# 233-08-03-028, (1 lot), **from GC, General Commercial District, to R-2, Manufactured Residential District**. Council District No. 4.

[Recommended by Committee on Land Use]

10. **Bill No. 04-21**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Amy Savage**, 107 Berkeley Farms Road, Summerville, TMS# 233-08-03-029, (1.3 acres), **from GC, General Commercial District, to R-2, Manufactured Residential District**. Council District No. 4.

[Recommended by Committee on Land Use]

11. **Bill No. 04-22**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Gray McSweeney** for Wando Developers LLC, 1161 Cainhoy Road, Cainhoy, TMS# 263-00-01-056, (4.57 acres), **from RNC, Rural and Neighborhood Commercial District, to GC, General Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use.]

12. **Bill No. 04-23**, An Ordinance to amend Ordinance No. 03-06-38, adopted June 16, 2003, to provide for **supplemental appropriations** and allocations thereof within the 2003-2004 budget for Berkeley County; and other matters relating thereto.

[Recommended by Committee on Finance]

13. **Bill No. 04-24**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re **Request** by **Jessco**, Sangaree Parkway, Summerville, TMS# 233-00-00-034, (5.9 acres), **from R-1, Single Family Residential District, to GC, General Commercial District**. Council District No. 4.

[Recommended by Committee on Land Use.]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 04-25**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Berkeley Properties, LLC**, 130 Oakley Road, Moncks Corner, TMS# 180-00-01-048, (.964 acres), **from R-2, Manufactured Residential District, to GC, General Commercial District**. Council District No. 6.

[Recommended by Committee on Land Use]

2. **Bill No. 04-26**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John Jackson**, 107 Outbacks Lane, Moncks Corner, TMS# 161-15-00-036, (1 lot), **from GC, General Commercial District, to F-1, Agricultural District**. Council District No. 6.

[Recommended by Committee on Land Use]

3. **Bill No. 04-27**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **David Driggers**, Highway 17-A, Moncks Corner, TMS# 180-00-03-062, (3.45 acres), **from R-2 Manufactured Residential District, to GC, General Commercial District**. Council District No. 6.

[Recommended by Committee on Land Use]

4. **Bill No. 04-28**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Raymond Lodge** for Hensley and Brown Properties, LLC, 2071 S. Live Oak Drive, Moncks Corner, TMS# 180-00-03-061, (2 acres), **from R-2 Manufactured Residential District, to GC, General Commercial District**. Council District No. 6.

[Recommended by Committee on Land Use]

5. **Bill No. 04-29**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Greg Hood**, Bethera Road, Moncks Corner, TMS# 087-00-04-023, (2.96 acres), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 6.

[Recommended by Committee on Land Use]

6. **Bill No. 04-30**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, R: **David Rogers**, 1305 N. Highway 52, Moncks Corner, TMS# 123-00-03-054, (.73 acre portion of 8.98 acres total), **from GC, General Commercial District, and F-1, Agricultural District, to GC, General Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

7. **Bill No. 04-31**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Request by Suzie Brill**, 1749 S. Live Oak Drive, Moncks Corner, TMS# 180-00-01-004, (3.88 acres), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District, (.76 acre portion), and F-1, Agricultural District, (3.12 acre portion)**. Council District No. 6.

[Recommended by Committee on Land Use]

8. **Bill No. 04-32**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ligure Ellington, Jr.**, Cainhoy Road, Huger, TMS# 239-00-00-052, (3.38 acres), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

9. **Bill No. 04-33**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Barbara Starks**, 2914 N. Highway 52, Bonneau, TMS# 057-00-01-056, (1 acre portion, 12.37 acres total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

10. Bill No. 04-34, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Frank Kinlaw**, 2563 Clements Ferry Road, Wando, TMS# 271-00-02-035, (10.01 acres portion of 21.5 acres total), **from R-2, Manufactured Residential District, to GC, General Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

11. Bill No. 04-35 An ordinance providing for the adoption of fiscal year 2004-2005 (beginning July 1, 2004 and ending June 30, 2005) budgets for the **Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund**; establishing operational, debt service, and capital improvement budgets for water and sewer; and to provide for the expenditures of revenues coming into the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by the Berkeley County Water and Sanitation Authority.

[Recommended by Committee on Water and Sanitation]

12. Bill No. 04-36, An ordinance providing appropriations for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for **Berkeley County**; to provide for levy of taxes on all taxable property in Berkeley County for all county purposes; to provide for the expenditures of said taxes and other revenues coming into the county for the fiscal year.

[Recommended by Committee on Finance]

13. Bill No. 04-37, An ordinance providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax district during the fiscal year.

[Recommended by Committee on Finance]

14. Bill No. 04-38, An ordinance providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

15. Bill No. 04-39, An ordinance providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

16. **Bill No. 04-40**, An **ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

17. **Bill No. 04-41**, An **ordinance** providing for the fiscal year beginning **July 1, 2004, and ending June 30, 2005**, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.

[Recommended by Committee on Finance]

18. **Bill No. No. 04-42**, an **Ordinance** to amend Ordinance No. 99-4-18, adopting a **Comprehensive Plan for the County of Berkeley**, pursuant to South Carolina Code of Laws Section 6-29-510, 1976, as amended.

[Recommended by Committee on Planning and Development]

FIRST READING:

1. **Bill No. 04-43**, An **ordinance** to establish the rules and regulations for the keeping of pets and other animals in Berkeley County, to provide for the taking up and impounding of pets and other animals in certain cases; to provide for the enforcement of the provisions of this ordinance and penalties for the violations thereof; and to **amend Ordinance No. 93-11-26 and Ordinance No. 98-3-21**.

[Recommended by Committee on Human Services]

2. **Bill No. 04-44**, An **ordinance** authorizing the **sale** of a particular piece of land owned by Berkeley County, more particularly described as TMS #142-07-06-026, to the **Berkeley County Rescue Squad** and authorizing the Berkeley County Supervisory to execute any and all documents necessary to effectuate the transfer of said land.

[Recommended by Committee on Land Use]

3. **Bill No. 04-45**, an **ordinance** adopting and enacting a new Code for the **Code of Berkeley County**, South Carolina, providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective; and others matters related thereto.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2003-2004 Berkeley County Budget for County Purposes other than as specified in said Budget.
[Recommended by Committee on Finance]
2. **RESOLUTION** proclaiming May 2004, as **Mental Health Month** in Berkeley County.
[Recommended by Committee on Human Services]
3. **RESOLUTION** approving **Sangaree Special Tax District Advisory Commission By Laws**.
[Recommended by Committee on Planning and Development]

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Councilmember, Mr. Dennis L. Fish, Chairman.
2. **Committee on Land Use.**
Councilmember, Mr. Milton Farley, Chairman.
3. **Committee on Public Works and Purchasing.**
Councilmember, Mr. Caldwell Pinckney, Jr., Chairman:
 - a. Sole Source Purchase – Imaging Equipment for Records Retention.
 - b. Sole Source Purchase – Three roll-off trucks.
 - c. Sangaree Special Tax District Commercial Solid Waste Franchise.
 - d. RFP: Shulerville/Honeyhill construction Management & Observation.
4. **Committee on Justice and Public Safety.**
Councilmember, Mrs. Judy C. Mims, Chairman
 - a. Approval of training grant for Sheriff's Department.
5. **Committee on Water and Sanitation.**
Councilmember, Mr. Steve C. Davis, Chairman.
 - a. BCW&SA Grievance Committee appointment.
6. **Committee on Planning and Development.**
Councilmember, Mr. Charles E. Davis, Chairman.
7. **Committee on Community Services.**
Councilmember, Mrs. Judith K. Spooner, Chairman.
 - a. Approval of FFA Grant for Airport.
8. **Committee on Human Services.**
Councilmember, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
BCD COUNCIL OF GOVERNMENTS
BERKELEY COUNTY LIBRARY BOARD
BERKELEY COUNTY MENTAL HEALTH BOARD
BERKELEY-CHARLESTON-DORCHESTER - RTMA
BOARD OF ZONING APPEALS
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
MENTAL HEALTH BOARD
SANTEE COOPER COUNTIES PROMOTION COMMISSION
SPIERS LANDING COMMISSION
TAX ASSESSMENT REVIEW BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The June 2004, Regular Meeting of Berkeley County Council will be held on MONDAY June 21, 2004, IMMEDIATELY FOLLOWING PUBLIC HEARINGS, AND THE MEETING OF THE COMMITTEE ON FINANCE AT 6:00 PM, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

May 12, 2004
S/Barbara B. Austin
Clerk of County Council